UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/026,932	12/27/2001	John Hogg	S620 0003 GNM/sks	7201

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EXAMINER
LE, DEBBIE M

ART UNIT	PAPER NUMBER
2168	

DATE MAILED: 12/02/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>27 May 2004</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>7-24</u> is/are pending in the application.

    4a) Of the above claim(s) <u>22 and 23</u> is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>7-21 and 24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>27 December 2001</u> is/are: a)☐ accepted or b)☒ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☒ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Applicants' arguments filed on 5/27/05. Claims 7-23 elect by Applicant for

prosecution with traverse.

Drawings

The drawings are objected to because they fail to show necessary textual labels of
features or symbols in Figs. 1-3 as described in the specification.

A *descriptive* textual label for *each numbered element* in these figures would be needed
to fully and better understand these figures without substantial analysis of the detailed
specification. Any structural detail that is of sufficient importance to be described should be
shown in the drawing. Optionally, applicant may wish to include a table next to the present
figure to fulfill this requirement. See 37 CFR 1.83. 37 CFR 1.84(n)(o) is recited below:

"(n) Symbols. Graphical drawing symbols may be used for conventional elements when
appropriate. The elements for which such symbols and labeled representations are used must be
adequately identified in the specification. Known devices should be illustrated by symbols which
have a universally recognized conventional meaning and are generally accepted in the art. Other
symbols which are not universally recognized may be used, subject to approval by the Office, if
they are not likely to be confused with existing conventional symbols, and if they are readily
identifiable.

(o) Legends. Suitable descriptive legends may be used, or may be required by the
Examiner, where necessary for understanding of the drawing, subject to approval by the Office.
They should contain as few words as possible."

Claim Objections

Claim 14 is objected to because of the following informalities:

In claim 14, line 3, the term "ind" is suggested to change to "kind".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly
claiming the subject matter which the applicant regards as his invention.

Claim 24 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite

for failing to particularly point out and distinctly claim the subject matter which applicant

regards as the invention.

Regarding claim 1, the phrase "as shown in Figure 3" renders the claim indefinite

because it is unclear whether the limitations following the phrase are part of the claimed

invention. See MPEP § 2173.05(d).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 7, 9-17, 21, 24 are rejected under 35 U.S.C. 102(e) as being anticipated

by Blumenau et al (US Patent 6,502,162 B2).

As per claim 7, Blumenau discloses a method for making data available to users

at a plurality of distributed network-connected user computer systems, the method

comprising:

a) maintaining entirely in a high-speed memory of a server

computer a data store (Fig. 22, # 250, data storage subsystem 250) comprising a data

heap containing a number of data (Fig. 22, # 260, # 261, storage volumes) and a data

reference vector comprising a plurality of records (Fig. 22, # 269, # 270, Fig. 23), each

record corresponding to a datum in the data heap (Figs. 24-25);

b) receiving at the server computer a request for data (col. 9, lines 1-3), the

request comprising a reference corresponding to a record in the data reference vector

(col. 9, lines 3-4);

c) locking the data store (Fig. 11, # 112, access locking information, col. 12,

line 21, lock manager);

d) based on the record in the data reference vector corresponding to the

reference, retrieving the requested data from the data store (Fig. 11, # 111, # col. 9,

lines 5-15);

e)   unlocking the data store (Fig. 11, # 113, access permitted, col. 12, line 21,

lock manager); and,

f)   forwarding the requested data to a client computer system (col. 23, lines

50-53).

As per claim 9, Blumenau teaches wherein the reference comprises an offset

from a head of the data reference vector (Fig. 24).

As per claim 10, Blumenau teaches wherein each record in the data reference

vector comprises a change value for the corresponding datum and the method

comprises changing the change value each time the corresponding datum is altered

(Fig. 16, col. 18, lines 11-48).

As per claim 11, Blumenau teaches wherein the reference comprises a change

value and the method comprises, comparing the reference change value to the data

reference vector change value and generating an exception if the reference change

value does not match the data reference vector change value (col. 19, lines 1-25).

As per claim 12, Blumenau teaches wherein each record in the data reference

vector comprises a uniqueness value and the method comprises changing the

uniqueness value each time the record is assigned to a different datum (col. 20, lines 1-

33).

As per claim 13, Blumenau teaches wherein the reference comprises a

uniqueness value and the method comprises comparing the reference uniqueness

value to the data reference vector uniqueness value and generating an exception if the

reference uniqueness value does not match the data reference vector uniqueness value

(col. 20, lines 34-52).

As per claim 14, Blumenau teaches wherein each record in the data reference

vector comprises a data kind value and the method comprises setting the data ind value

to match a data type of the corresponding datum (col. 19, lines 28-35).

As per claim 15, Blumenau teaches wherein the reference comprises a data kind

value and the method comprises comparing the reference data kind value to the data

reference vector data kind value and generating an exception if the reference data kind

value does not match the data reference vector data kind value (col. 19, lines 35-41).

As per claims 16-17, Blumenau teaches periodically backing up changes in the

data store to a slower storage medium, periodically backing up the entire data store to

the slower storage medium (col. 1, lines 55-65, col. 18, lines 25-48).

Claims 21 and 24 are rejected under the same rationale as state in independent

claim 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims 8, 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Blumenau et al (US Patent 6,502,162 B2) in view of Merrick et al (US application no.

2005/0166209 A1).

As per claim 8, Blumenau does not explicitly teach wherein forwarding the

requested data to a client computer system comprises forwarding the requested data by

way of a remote procedure call. However, Merrick teaches wherein forwarding the

requested data to a client computer system comprises forwarding the requested data by

way of a remote procedure call (see abstract). Thus, it would have been obvious to one

of ordinary skill in the art at the time the invention was made to combine the teachings

of the cited references to implement the step of forwarding the requested data to a client

computer system comprises forwarding the requested data by way of a remote

procedure call because the RPC identifies both the mechanism by which this occurs

and the instance of such an exchange between applications.

As per claim 18, Merrick teaches the remote procedure call passes object

parameters (parg. 0022).

As per claims 19-20, Merrick teaches forwarding the requested data to a client

computer system comprises generating a reply message, the reply message comprising

a header and a body, the header comprising a first part and a second part, the first part

of the header comprising a flag and a length, wherein the method comprises encrypting

the second part of the header and the body of the reply message before forwarding the

reply message to the client computer system, and compressing the body of the reply

message before forwarding the reply message to the client computer system (parg.

0024).

Response to Arguments

Applicant's arguments, filed 5/27/04, with respect to Election/Restriction to claims

22-23 have been fully considered and are persuasive. The Election/Restriction of

claims 22-23 has been withdrawn.

Conclusion

The prior art made of record, listed on form PTO-892, and not relied upon, if any,

is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to DEBBIE M. LE whose telephone number is (571) 272-

4111. The examiner can normally be reached on 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, JEFFREY GAFFIN can be reached on (571) 272-4146. The fax phone

number for the organization where this application or proceeding is assigned is 571-

273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

DEBBIE M LE
Examiner
Art Unit 2168

Debbie Le

Nov. 24, 2005.